

REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-28 and 30 are pending in the Application. Claims 20-27 were withdrawn from consideration as being directed to non-elected invention. Claim 29 has been cancelled herein without prejudice or disclaimer.

Applicants are pleased to note the Examiner indicated that claims 3, 5, 7-9 and 29-30 would be allowable if rewritten in independent form.

Entry of this amendment is proper under 37 C.F.R. § 1.116 as the amendments:

- (a) place the application in condition for allowance for the reasons discussed herein;
- (b) do not raise any new issues that would require further consideration and/or search as the amendments merely put the claims in form for allowance by incorporating the subject matter recited in allowable claim 29 into independent claims 1 and 19;
- (c) do not present any additional claims without canceling a corresponding number of claims; and
- (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented as they are in response to arguments raised in the final rejection. Entry of the Amendment is respectfully requested.

Claim rejections – 35 USC § 102

Claims 1-2, 4, 6, 10-19 and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sweatt et al. (U.S. Patent No. 6,469,827).

Claim 1 has been amended by incorporating the subject matter recited in allowable claim 29. Claim 1 recites, *inter-alia*, “a grating spectral filter configured to diffract said radiation of desired wavelengths into a zeroth-order beam to form a projection beam of radiation and to diffract said radiation of undesired wavelengths away from said radiation of desired wavelengths.”

Similarly, claim 19 has been amended by incorporating the subject matter recited in allowable claim 29. Claim 19 recites, *inter-alia*, “a grating spectral filter configured to diffract said radiation of desired wavelengths into a zeroth-order beam to form a projection beam of radiation and to diffract radiation of undesired wavelengths supplied by said radiation source unit away from said radiation of desired wavelengths.”

Accordingly, Applicants respectfully submit that claims 1 and 19 are in form for allowance. Claims 2, 4, 6, 10-18 and 28 depend from allowable claim 1. Therefore, Applicants respectfully submit that claims 2, 4, 6, 10-18 and 28 are also allowable by virtue of their dependence from allowable claim 1. Thus, Applicants respectfully request that the rejection of claims 1-2, 4, 6, 10-19 and 28 under § 102(e) over Sweatt et al. be withdrawn.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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